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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,661	12/14/2000	Arturo A. Rodriguez	A-6280	8279

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Scientific-Atlanta Inc
Intellectual Property Dept MS 4.3.518
5030 Sugarloaf Parkway
Lawrenceville, GA 30044

EXAMINER

AN, SHAWN S

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/736,661	Applicant(s) RODRIGUEZ ET AL.	
	Examiner Shawn S. An	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38,53-55 and 66-84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38,53-55 and 66-84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. As per Applicant's instructions as filed on 5/15/06, claims 1-37, 39-52, and 56-65 have been canceled.

Response to Remarks

2. Applicant's remarks filed on 10/17/06 have been fully considered but are not persuasive. The Applicant presents arguments of which the previously cited prior art references do not teach or disclose:

A) transferring the set of retrieved reconstructed decompressed video data to a display device while downscaling the video picture in transit to the display device;

B) transferring the set of retrieved reconstructed decompressed video data to a display device while downscaling the video picture in transit to the display device to a second spatial resolution without storing the pictures in the memory component; and

C) a method/(computer readable medium) implemented in a DHCT, comprising: determining whether a resource constrained mode is to be initiated.

However, after careful scrutiny of the cited prior art references, the Examiner disagrees, and maintains the grounds of rejection for reasons that follow.

In response to argument A), MacInnis et al discloses transferring the set of retrieved reconstructed decompressed (decoded) video data (Fig. 2, 50) to a display device (abs.; television display; Fig. 2, Video Out), while downscaling (52; col. 5, lines 65-67; col. 6, lines 1-9) the video picture in transit (52 to 60 to 62 to Video Out) to the display device.

In response to argument B), MacInnis et al discloses transferring the set of retrieved reconstructed decompressed (decoded) video data (Fig. 2, 50) to a display device (abs.; television display; Fig. 2, Video Out), while downscaling (52; col. 5, lines 65-67; col. 6, lines 1-9) the video picture in transit (52 to 60 to 62 to Video Out) to the display device to a second spatial resolution (downscaled video resolution).

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MacInnis et al further discloses passthrough video including digital or analog video that is not captured in memory, and that the video scaler may perform downscaling of digital video and analog video data as needed (col. 5, lines 43-44 and lines 65-66), which clearly implies/meets transferring ..., downscaling the video picture in transit to the display device to a second spatial resolution without storing the pictures in the memory component.

In response to argument C), the recitation "A method/(computer readable medium) implemented in a DHCT... comprising" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Nevertheless, MacInnis et al discloses a method/(computer readable medium) implemented in a DHCT (Fig. 1; col. 5, lines 27-30).

MacInnis et al does not particularly disclose the DHCT comprising determining whether a resource constrained mode is to be initiated.

However, Kalra et al teaches a scalable media delivery system, comprising determining whether a resource constrained mode is to be initiated (col. 17, lines 10-55). In other words, the resource constrained mode are met by Bandwidth Constraint and CPU constraint. Furthermore, Applicant's specification also discloses the resource constraint including memory constraint and bandwidth constraint (Applicant: col. 13, lines 35-38).

Therefore, it would have been considered obvious to a person of ordinary skill in the relevant art employing a DHCT for adapting to resource constraints of the DHCT as taught by MacInnis et al to incorporate Kalra et al's teaching for efficiently managing resources such as memory size or the bandwidth.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 38, 53-54, 71-73, 75-77, and 79-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacInnis et al (6,570,579 B1) in view of Boyce et al (5,614,952) and Kalra et al (5,953,506) as previously discussed in the last office action as filed on 7/17/06.

5. Claims 55, 66, 68-70, and 83-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacInnis et al (6,570,579 B1) in view of Kalra et al (5,953,506) as previously discussed in the last office action as filed on 7/17/06.

6. Claims 67, 74, 78, and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacInnis et al and Kalra et al as applied to claims 66, 53, 54, and 55 above, respectively, and further in view of Boyce et al (5,614,952) as previously discussed in the last office action as filed on 7/17/06.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Shawn S An* whose telephone number is 571-272-7324.

9. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SHAWN AN
PRIMARY EXAMINER

12/24/06